

March 8, 2006

Planning Commission
City of Sunnyvale

In the fall of 2005 our application for a tree removal permit was denied. We were very surprised. This Magnolia tree has grown from the 1 1/2" x 8' tree I planted in 1957 that the roots have expanded and tilted eighteen 5' x 10' concrete slabs and some smaller sections as well, plus most of our large lawn and sprinkler system. This also endangers the house foundation.

Subsequent to the denial, correctly or not, I was given the impression that an appeal was unlikely to be granted. Both my wife and I have many of the ills besetting the elderly, and we were tied up with some of these matters, thus we did nothing in the fall. I did attend a meeting with the city planners in January, which was well done and helpful. At that time I was encouraged to submit an appeal, but health matters again precluded that until now.

When we were building in the 1950s I tried to save as many of the orchard trees as possible, but the buyers did not take of them, pear blight and other problems ensued and the county agricultural people removed many of the trees which were a hazard to the remaining orchards.

I am now submitting this application, along with photos, a plot plan of our Rear yard, the original area plot plan dated 4/1/56, and a copy of the note I gave to one of the city planners in January. In 1967 we added 573 square feet to the house shown on the original plot plan. All of the eight photos show how the concrete slabs have been lifted by roots, from about 1" to as much as 4 1/2". This is very dangerous, particularly for people our age (82), and we are quite concerned about the house foundation as well.

We wish to remove and replace the tree, concrete, lawn and sprinkler system. In place of the magnolia we will consult the city as to the replacement tree – perhaps an evergreen pear such as we have in our front yard – it is very attractive and has worked very well. This is not undertaken lightly – it will involve considerable effort and expense.

We ask that you give this application your full consideration.

James W. Bell
1140 Andover Drive

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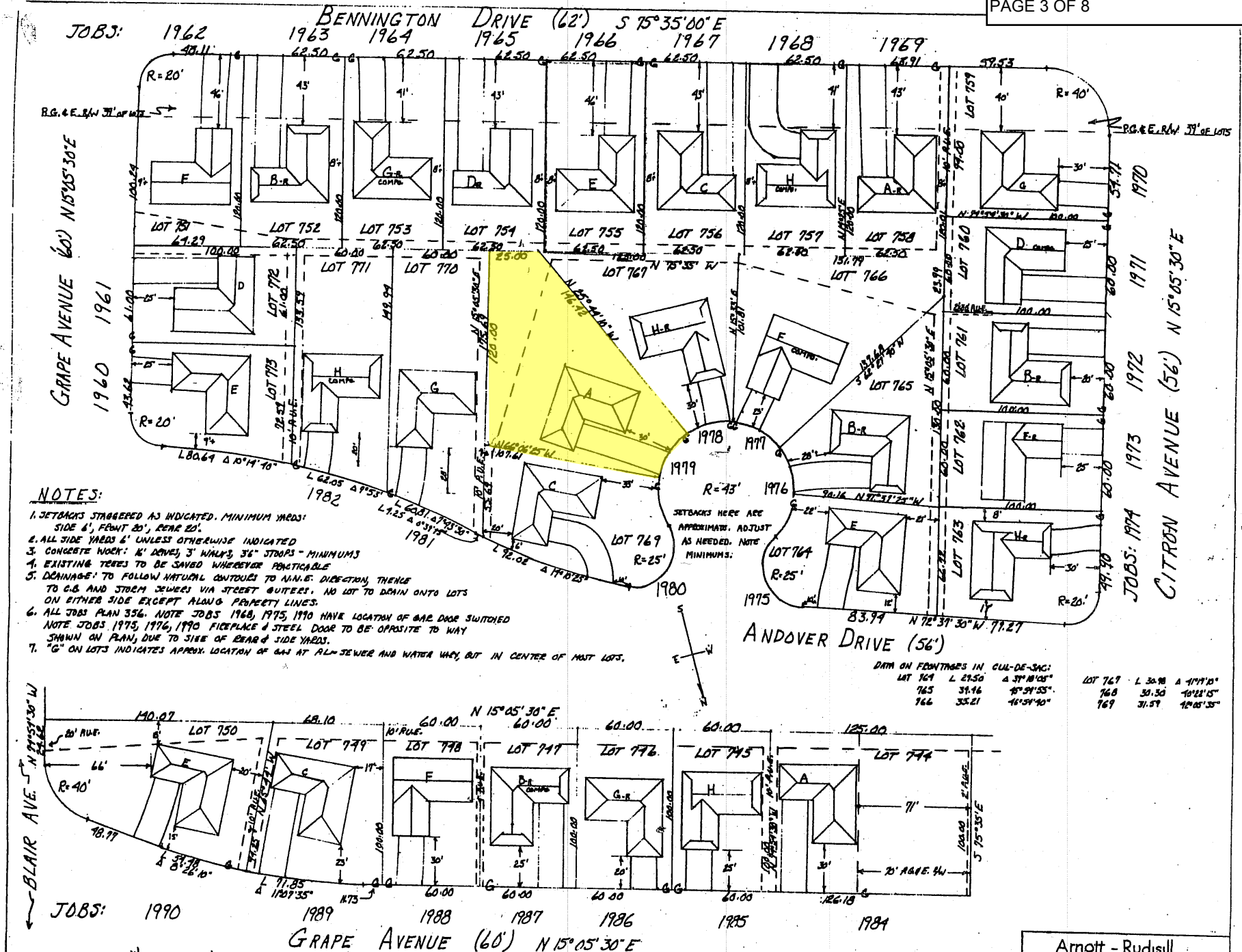
ATTACHMENT E
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The following is an addendum to my letter of March 8, 2006:

- (1) Subsequent to taking the photos submitted earlier, in the ensuing several weeks, the concrete slabs have risen noticeably, and where there were differences of 1" to 4 1/2", the latter figure has increased to 5 1/2". We and Mike Diaz, the tree surgeon with whom we have been involved for many years, believe this is due to excessive rain this past winter. Our situation is noticeably worse in just a couple of months.
- (2) Mike Diaz is a highly trained, licensed expert with over 24 years experience. He says the magnolia tree is a danger to both the yard and the house. In addition we have recently found several places where the tree has insect and other damage. He may be able to alleviate some of this, but at great and constant expense, and meanwhile the other problems will only increase. I shall bring some small pieces of bark to show a bit of the damage.
- (3) The arborist who was here last fall was sure the roots were not damaging the house foundation. At this time one can see where a portion of the stucco wall is beginning to move a little. As I said earlier I have been in the construction business since 1939, and believe that entitles me to some respect for my experience. I have always built with great care and insisted on high quality including straight walls in hundreds of homes, You know I would do the same for my own house. Of all the homes we built in Sunnyvale we had one minor, but serious complaint, and we fixed it quickly.
- (4) Someone has suggested we remove the concrete, sprinkler system, and lawn; then remove all the roots, and replace everything. The problem with that idea is (a) with the roots gone the tree will die, and even if it were to survive there would be nothing to sustain it; and (b) we would be right back where we started if and when new roots appeared.
- (5) At our age, although we would prefer to remain here, it's likely that will not happen. In any case if we cannot remove the tree, who will consider buying our house In this condition?

Thank you again for your consideration,

James W. Bell
1140 Andover Drive



MASTER PLOT PLAN 1"=30'

Arnott - Rudisill
Builders

CHERRY CHALK #8
SUNNYVALE, CALIFORNIA
PLAN 356, THROUGHOUT
JAMES W. BELL, 4-1-56

